

PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the ministry) dated December 2, 2013, which held that the appellant's request for a crisis supplement for shelter did not meet the three required criteria under section 57 of the Employment and Assistance for Persons with Disabilities Regulation. The ministry was not satisfied that:

- the appellant requires a crisis supplement for shelter in order to pay her rent arrears – rent is not an unexpected expense,
- she has no resources to pay her rent – she has received income assistance every month (minus maintenance income when received) since June 2012, and
- failure to provide the crisis supplement will result in imminent danger to the appellant's health or removal of her children by the Ministry of Children and Family Development - she has not supplied any evidence to indicate that she has been evicted and is homeless.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), Section 57

PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming that the appellant was notified, the hearing proceeded under Section 86(b) of the *Employment and Assistance Regulation*.

The evidence before the ministry at reconsideration consisted of the following:

1. From the Ministry files:

- The appellant is a sole recipient with Persons with Disabilities designation with two dependent children.
- The appellant contacted the Ministry on 09 October 2013 requesting a crisis supplement for shelter because she still owed \$300 for August 2013 rent. At that time the appellant confirmed that her rent was \$595 per month and which included utilities excluding telephone, internet, and cable. She stated that she had bills to pay including \$150 for cablevision, monthly payments of \$100 for vehicle insurance, monthly phone payments of \$180 - \$200, a payment of \$500 on her overdraft at the bank, and that she had purchased approximately \$300 worth of clothing and shoes for her two boys. She stated that she had made an arrangement with the landlord to repay the outstanding \$300 August rent, and had made two payments of \$75 and \$130, but was unsure when she had done so.
- A review of the appellant's income and expenses was conducted. In October she received Disability Assistance, Child Tax Benefit, BC Family bonus, Child Support and GST totaling just under \$2200. She received monthly income for August, September and October of just over \$2000, over \$2500 for June, and for July slightly under \$2000. The ministry noted that when received, maintenance income for one of her sons is deducted dollar for dollar from the ministry provided funds.
- The appellant's request for a crisis supplement for shelter was denied.

2. The appellant's Request for Reconsideration dated 16 October 2013 included the following:

- A letter dated 14 November 2013 from a local anti-poverty group indicated that the appellant had been unable to pay her July and August rent because she had paid \$100 in July and \$130 in August for children's clothing. The appellant had been unable to make up the difference and had been unable to pay her November rent. The appellant had incurred costs to drive her son to another city and back in October in order to enable him to escape a difficult situation. The letter indicated that the appellant expressed concern that she was short of groceries, that a social worker confirmed her shortage of groceries in early November, and that the appellant received a \$50 purchase document from the Ministry of Children and Family Development for the purpose of obtaining food. Despite receiving the \$50, the appellant felt she was still short of food and was concerned that she could not access the food bank that month and therefore believed she could not meet her family's basic needs of food and shelter without Ministry support.
- A letter dated 5 November 2013 from the Ministry of Children and Family Development indicated that they had been actively working with the appellant, that she had been in financial crisis over the past few months, and that they were not helping with her rent arrears. The letter restates the appellant's belief that she was unable to pay her July and August rent because of having spent \$230 in those months for children's clothing. The letter indicated that the appellant has expressed that she is trying to learn budgeting skills and has accessed a training program to assist her in this task, and that the fact that she had not been receiving child maintenance from her ex-spouse for her son had impacted her finances. The letter also refers to the car trip to another city to give her son a break from a difficult situation and the provision of a \$50 Purchase Document from the

Ministry of Children and Family Development due to the limited amount of grocery items in the appellant's home. The letter's author concludes with the request that the Ministry of Social Development financially support the appellant to ensure that she is able to meet the basic needs of herself and family, and indicates that she is at risk of losing her housing and continues to struggle to make ends meet.

- A letter dated 4 October 2013 (with added handwritten notes for November) from the appellant's landlord which restates the fact that rent is due on the first of each month, that the appellant has not paid her rent and arrears obligations and that a failure to pay her arrears by 11 October 2013 may affect her tenancy. The letter also details the rent arrears; showing \$15 owing for June, \$510 owing by July, \$975 owing by August, \$975 owing by September, \$1040 owing by October, and \$1550 owing by November.
- Photocopies of nine till receipts, totaling \$190.82, allegedly detailing the costs incurred by the appellant to drive her son to and from another city, three of those receipts being partly or fully illegible.

In her Notice of Appeal dated 10 December 2013, the appellant writes:

"I believe I meet the legislation for a rent crisis supplement."

At the hearing the appellant's advocate provided additional oral evidence that:

1. During the months of July and August the appellant's children had four cases of lice, and that the cost of eradicating the pests contributed to the financial hardship of the appellant.
2. The appellant's landlord had issued an eviction notice to her in early December to take effect in January, but could not provide a copy to the panel.

The panel determined the additional oral and documentary evidence was admissible under s.22(4) of the EAA as it was in support of the records before the minister at reconsideration, providing additional information with respect to the appellant's financial situation at the time.

The panel finds that while admissible, this evidence carries little weight because there was no documentary evidence provided to support the verbal statements, in particular for the eviction notice, and because regarding the four cases of lice, the appellant made no reference to the issue either in her initial application for the crisis supplement or in her request for reconsideration.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry decision to deny the appellant's request for a crisis supplement for shelter under section 57 of the EAPWDR was reasonably supported by the evidence or was a reasonable application of the legislation. In particular, the issue is whether the ministry reasonably determined that the information provided did not establish that

- the appellant requires the crisis supplement to meet an unexpected expense,
- she has no resources available to her, and
- failure to provide the crisis supplement for rent will result in imminent danger to the appellant's health or removal of her children by the Ministry of Children and Family Development.

The relevant legislation is set out in the EAPWDR:

Crisis supplement

57 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if

- (a) the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense or obtain the item because there are no resources available to the family unit, and
- (b) the minister considers that failure to meet the expense or obtain the item will result in
 - (i) imminent danger to the physical health of any person in the family unit, or
 - (ii) removal of a child under the *Child, Family and Community Service Act*.

The panel will consider each party's position on the criteria at issue in this appeal.

Unexpected expense or unexpected need

The position of the ministry is that the appellant's monthly rent cannot be regarded as an unexpected expense.

The appellant's position is that the fact that she had bills to pay, including unplanned expenses incurred in taking her son to another city to avoid a difficult situation made it impossible for her to pay her rent and make up her rent arrears.

The panel notes that the first point to consider concerning the eligibility for a crisis supplement is whether the request is required to meet an unexpected expense or to obtain an item unexpectedly needed. Because the payment of rent forms the basis of every rental agreement and is also a matter of common knowledge, the panel finds that the ministry was reasonable in determining that this criterion has not been met as rent is not an unexpected expense.

No resources available

The position of the ministry is that because the appellant received income assistance or maintenance income in excess of the ministry's rates in every month since June 2013, the appellant did have the resources to pay her rent. It was the appellant's choice to spend money on children's clothing and to pay other bills. The cost of the trips to drive her son to another city and back was not sufficient to prevent her from paying her rent.

The position of the appellant is that she needed to purchase clothing for her children, to pay her telephone, cable, and insurance bills, and to make a payment towards her bank overdraft. She had to pay the cost of the unexpected requirement to drive her son to another city and to deal with two cases of lice infestation. The need to pay these expenses and the fact that she did not consistently receive child support payments from her ex-spouse meant that she had no resources available to pay her rent.

The panel notes that the evidence provided by the appellant for the cost of the trip to drive her son to another city was \$190.82, and that she incurred some additional expense to deal with two outbreaks of lice. The panel finds that the ministry reasonably determined the appellant had the resources for, and chose to pay, her phone bill, her cable bill, her insurance bill, and make a payment towards her overdraft at the bank. The panel notes that on those occasions when the appellant did not receive child support she did receive Disability Assistance.

The panel finds therefore that the ministry was reasonable in determining that this criterion has not been met. The evidence in the appeal record shows that the appellant had resources available to pay her rent.

Imminent danger to physical health or removal of a child

The position of the ministry is that the appellant has not provided the information necessary to establish that a failure to provide the rent supplement will result in imminent danger to the appellant's health or removal of her children by the Ministry of Children and Family Development.

The position of the appellant is that she has been served a notice of eviction, which will take effect in January 2014, and that if evicted, she will likely be faced with the removal of her children by the Ministry of Children and Family Development.

Although the appellant's advocate gave oral evidence that the appellant was served with an eviction notice, there was no confirming documentation and there was no evidence that the appellant's children would be removed or that there is imminent danger for the appellant and her family. The panel therefore finds that the ministry was reasonable in determining that this criterion has not been met.

Conclusion

On the basis of the foregoing, the panel finds that the ministry's decision to deny the appellant the requested crisis supplement for rent was a reasonable application of the applicable legislation in the circumstances of the appellant. The panel therefore confirms the ministry's decision.